

Message Text

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FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 1903

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AMEMBASSY ATHENS

AMEMBASSY NICOSIA

AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

USMISSION USNATO

DIRNSA WASHDC

USNMR SHAPE

CINCEUR

USDOCOSOUTH NAPLES

CINCUSAFE

CINCUSAREUR

CINCUSNAVEUR LONDON

S E C R E T ANKARA 0117

EXDIS

MILITARY ADEES HANDLE AS SPECAT EXCLUSIVE

E.O.11652: XGDS-3 INDEFINITE

TAGS: PFOR, MASS, MARR, TU, US

SUBJECT: TURKISH BASE NEGOTIATIONS: LAND AREAS AND RESIDUAL VALUE

REF: STATE 00995 DTG 022210Z 76

1. SUMMARY: U.S. TEAM TABLED REVISED ARTICLE XIII(4)
ON LAND AREAS AND RESIDUAL VALUE (REFTTEL) AT JANUARY 5
WORKING GROUP SESSION, GOT TEAM LEADER ASULA INDICATED
HE HAD SOME PROBLEMS WITH U.S. DRAFT AND STATED HE WAS
PREPARING HIS OWN COUNTER DRAFT OF THE ENTIRE ARTICLE
WHICH HE SUBMITTED AT JANUARY 6 SESSION. THE TEXT

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OF THE REVISED TURKISH DRAFT ARTICLE AND U.S. TEAM

COMMENTS FOLLOW. END SUMMARY.

2. BEGIN TEXT:

ARTICLE XIII

1. ALL NON-REMOVABLE PROPERTY, INCLUDING PROPERTY INCORPORATED IN THE SOIL, CONSTRUCTED OR INSTALLED BY OR ON BEHALF OF THE UNITED STATES ON THE LAND AREAS ALLOCATED BY THE GOVERNMENT OF THE REPUBLIC OF TURKEY FOR THE PURPOSES OF THIS AGREEMENT SHALL, FROM THE DATE OF ITS CONSTRUCTION OR INSTALLATION, BECOME THE PROPERTY OF THE GOVERNMENT OF THE REPUBLIC OF TURKEY. THE PROVISIONS OF THIS PARAGRAPH ARE WITHOUT PREJUDICE TO THE RIGHT OF THE UNITED STATES AND ITS PERSONNEL TO USE SUCH PROPERTY, ACCORDING TO THE JOINT-USE ARRANGEMENTS SPECIFIED IN THE RELATED ANNEXES TO THIS AGREEMENT.

2. IN CASE OF TERMINATION OF THIS AGREEMENT, OR WHEN THE ACTIVITY OF ANY INSTALLATION IS TERMINATED, THE PROPERTY MENTIONED IN PARAGRAPH 1 OF THIS ARTICLE SHALL BE TRANSFERRED TO THE GOVERNMENT OF THE REPUBLIC OF TURKEY IN THE FUNCTIONING AND USABLE STATE THAT THEY WERE IN AT THE TIME OF TERMINATION, AND IN ACCORDANCE WITH THE PAST PRACTICES BETWEEN THE PARTIES REGARDING COMPENSATION FOR RESIDUAL VALUE, IF ANY.

3. THE GOVERNMENT OF THE REPUBLIC OF TURKEY SHALL HAVE THE RIGHT OF PRIORITY TO ACQUIRE, IN ACCORDANCE WITH ARRANGEMENTS TO BE AGREED UPON, ANY EQUIPMENT, MATERIALS AND SUPPLIES IMPORTED INTO OR ACQUIRED IN TURKEY BY OR ON BEHALF OF THE UNITED STATES FOR THE PURPOSES OF THIS AGREEMENT, IN THE EVENT SUCH EQUIPMENT, MATERIALS AND SUPPLIES ARE TO BE DISPOSED OF BY THE GOVERNMENT OF THE UNITED STATES OF AMERICA.
END TEXT

3. ASULA'S DRAFT, AFTER ALTERATION AT THE TABLE, DIFFERS FROM THE EARLIER GOT DRAFT ONLY IN THAT IT INCLUDES
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REFERENCE TO RESIDUAL VALUE BUT IN A WEAKER CONTEXT THAN HE ORIGINALLY INDICATED WOULD BE ACCEPTABLE. U.S. TEAM NOTED THAT FORMULATION IN U.S.DRAFT WAS THAT EARLIER SUGGESTED BY ASULA AND THAT HIS PRESENT FORMULATION DID NOT GO FAR TOWARD MEETING U.S. LEGAL NEEDS.

4. ASULA'S DRAFT ALSO OMITS THE FINAL SENTENCE OF THE U.S. DRAFT XIII(4) ABOUT RETURNING AREAS OR PROPERTY TO

THEIR ORIGINAL STATE. ASULA STATED THAT THE GOT
REALIZES THAT THE USG COULD NOT RETURN AREAS TO
THEIR ORIGINAL STATE BUT COULD NOT SAY SO OPENLY IN
THE AGREEMENT, PARTICULARLY IN VIEW OF POLITICAL PROBLEMS
INVOLVED IN REPETITION OF DCA LANGUAGE. (COMMENT:
WOULD APPRECIATE DEPARTMENT'S VIEWS ON DELETION OF
FINAL SENTENCE OF U.S. RPT U.S. DRAFT XIII(4).
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